

2011 DRAFTING REQUEST

Assembly Amendment (AA-AB547)

Received: 02/16/2012

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Karl Van Roy (608) 266-0616

By/Representing: Tanya Hein

May Contact:

Drafter: tkuczens

Subject: Occupational Reg. - prof lic

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.VanRoy@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

licensure of dietitians

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 02/20/2012	kfollett 02/20/2012		_____			
/1	tkuczens 02/21/2012	kfollett 02/21/2012	rschluet 02/20/2012	_____	lparisi 02/20/2012	lparisi 02/20/2012	
/2			jfrantze 02/21/2012	_____	lparisi 02/21/2012	lparisi 02/21/2012	

FE Sent For:

<END>

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/1		12 k f 2/21	rschluet 02/20/2012		lparisi 02/20/2012	lparisi 02/20/2012	

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/?	tkuczens	1/16/12 2/20					

FE Sent For:

<END>

Kuczenski, Tracy

From: Hein, Tanya
Sent: Thursday, February 16, 2012 3:27 PM
To: Kuczenski, Tracy
Cc: 'Jeff Schoenfeldt'
Subject: RE: AB 547 - dietitian - follow-up
Attachments: dietitian.pdf

Hi Tracy,

I forgot to point out one thing in the previous document I emailed you. On the last page, they ask for language to make sure that the amendment grandfathered all existing certifications into licenses without the department having to issue new licenses until the current certification expires. This avoids a fiscal note for the department if they don't have to issue new licenses until the certification expires, while still maintaining the validity of the current certification until then. We support doing this.

On page 19 of LRB 0253/2 (attached) there is some language along those lines from a previous dietitian bill you drafted. I don't know if you want to use that same language or craft something else. We aren't sure where the July 2013 date came from or if it is necessary to accomplish our objective. I'm authorizing you to talk to Jeff Schoenfeldt if you have any questions. I've CC'd him on this and he can be reached at 608-609-1447.

Thanks for your help!

Tanya R. Hein

Research Assistant
 Office of State Rep. Karl Van Roy
 90th Assembly District

From: Hein, Tanya
Sent: Thursday, February 16, 2012 2:46 PM
To: Kuczenski, Tracy; Kite, Robin
Subject: AB 547 - dietitian

Hi Tracy,

I think you have drafted dietitian bills in the past. Attached is a document showing changes we'd like drafted in an amendment, with one exception.

First, please change the word certified to licensed (and all other variants of these two words.)

Second, please change American Dietetic Association to Academy of Nutrition and Dietetics. Apparently, the American Dietetic Association no longer exists since it has changed its name to Academy of Nutrition and Dietetics.

The attached document adds the word "nutritionist" to the statutes but we do NOT want to include that word in our amendment.

If you have any questions, please let me know. We would like a rush on that with you and the editor. Thank you!

Tanya R. Hein

Research Assistant
 Office of State Rep. Karl Van Roy
 90th Assembly District

* Am. dietetic assn at.

✓ 448.72(4)
 ✓ 448.72(5)
 ✓ 448.78(4)(6)
 ✓ 448.78(5)

2/16/2012

**CURRENT CERTIFICATION STATUTE LANGUAGE -
SIMPLY AMENDED TO CHANGE FROM CERTIFICATION TO LICENSURE**

**SUBCHAPTER V
DIETITIANS AFFILIATED CREDENTIALING BOARD**

448.70 Definitions. In this subchapter:

(1) "Affiliated credentialing board" means the dietitians affiliated credentialing board.

(1m) "~~Licensed dietitian nutritionist~~" means an individual who is ~~licensed~~ as a dietitian under this subchapter.

(2) "Dietetics" means the integration and application of principles of nutritional science, biochemistry, food science, physiology, food systems management, behavioral science and social science in order to achieve or maintain the health of an individual or group of individuals. "Dietetics" includes assessing the nutritional needs of an individual or group of individuals and determining available resources and constraints in meeting those nutritional needs; establishing priorities, goals and objectives that meet those nutritional needs and are consistent with available resources and constraints; providing nutrition counseling; or developing, implementing and managing nutritional care systems.

(3) "Dietitian ~~Nutritionist~~" means an individual who practices dietetics.

History: 1993 a. 443.

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JEFF SCHOENFELDT 2/4/12 10:41 PM

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448.72 Applicability. This subchapter does not do any of the following:

(1) Require a ~~license~~ under this subchapter for any of the following:

(a) A person who is lawfully practicing within the scope of a license, permit or certificate of certification or registration granted under chs. 441, 446 to 451 or 456, or who is lawfully practicing in any other health care profession that is regulated by state law.

(b) A person to whom a practice or procedure is delegated by a person under par. (a).

(c) A person pursuing a supervised course of study, including internships, leading to a degree or certificate in dietetics from an accredited educational program or an educational program approved by the affiliated credentialing board.

(d) A dietetic technician or assistant who is working under the supervision of a ~~licensed dietitian~~.

(e) A dietitian who is serving in the U.S. armed forces, as defined in s. 40.02 (57m), or in the commissioned corps of the federal public health service or is employed by the U.S. veterans administration, and who is engaged in the practice of dietetics as part of that service or employment.

(f) A person who markets or distributes food, food materials or dietary or food supplements, who explains the use, benefits or preparation of food, food materials or dietary or food supplements, who furnishes nutritional information on food, food materials or dietary or food supplements, or who disseminates nutritional information or literature, if the person does not use the title "dietitian", "certified dietitian" or "~~licensed dietitian nutritionist~~" and the person complies with applicable federal, state and local laws.

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(2) Prohibit a dietetic student described in sub. (1) (c) from using the title "dietitian student" or any other title, letters or designation that clearly indicates his or her status as a student or trainee.

(3) Prohibit an individual described in sub. (1) (e) from using the title "dietitian", "dietitian nutritionist" or any letters or designation that represents or may tend to represent the individual as a dietitian, if the title, letters or designation is used only in the course of the individual's service or employment.

(4) Prohibit an individual who is registered as a dietitian with the commission on dietetic registration of the Academy of Nutrition and Dietetics from using the title "dietitian" or "registered dietitian".

(5) Prohibit an individual who is registered as a dietetic technician with the commission on dietetic registration of the Academy of Nutrition and Dietetics from using the title "dietetic technician" or "dietetic technician registered".

(6) Prohibit an individual from using the title "dietitian", "licensed dietitian" or "licensed dietitian nutritionist" if the person is licensed or certified as a dietitian under the laws of another state which has licensure or certification requirements that the affiliated credentialing board determines to be substantially equivalent to the requirements under s. 448.78.

History: 1993 a. 443; 1997 a. 75.

448.74 Duties of affiliated credentialing board. The affiliated credentialing board shall promulgate rules that do all of the following:

(1) Establish criteria for the approval of educational programs and training under s. 448.78 (3) and (4).

(2) Establish a code of ethics to govern the professional conduct of licensed dietitians.

History: 1993 a. 443.

Cross-reference: See also DI, Wis. adm. code.

448.76 Use of titles. Except as provided in s. 448.72 (1) (e) and (2) to (6), a person who is not a licensed dietitian may not designate himself or herself as a dietitian, dietitian nutritionist, licensed dietitian or licensed dietitian nutritionist, claim to provide dietetic services or use any title or initials that represent or may tend to represent the person as certified or licensed as a dietitian or as certified or licensed in a nutrition-related field.

History: 1993 a. 443; 1997 a. 75.

448.78 Licensure of dietitians. The affiliated credentialing board shall grant a license as a dietitian to an individual who does all of the following:

(1) Submits an application for the license to the department on a form provided by the department.

(2) Pays the fee specified in s. 440.05 (1).

(3) Submits evidence satisfactory to the affiliated credentialing board that he or she has done any of the following:

(a) Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a program at a college or university that is regionally accredited, as determined by

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the affiliated credentialing board, and that is located in a state or territory of the United States.

(b) Received a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a program at a college or university that is not located in a state or territory of the United States if the affiliated credentialing board determines that the program is substantially equivalent to a program under par. (a).

(c) Received a degree from or otherwise successfully completed a program in human nutrition, nutrition education, food and nutrition, dietetics or food systems management that is approved by the affiliated credentialing board.

(4) Submits evidence satisfactory to the affiliated credentialing board that he or she has completed at least 900 hours of dietetics practice in any state or territory of the United States under the supervision of any of the following:

(a) A certified dietitian.

(b) An individual who is registered as a dietitian with the commission on dietetic registration of the Academy of Nutrition and Dietetics.

(c) An individual who received a doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from any of the following:

1. A program at a college or university that is regionally accredited, as determined by the affiliated credentialing board, and that is located in a state or territory of the United States.

2. A program at a college or university that is not located in a state or territory of the United States if the affiliated credentialing board determines that the program is substantially equivalent to a program under subd. 1.

(5) Passes the registration examination for dietitians established by the commission on dietetic registration that is accredited by the National Commission for Certifying Agencies (registration commission), or passes an equivalent examination approved by the affiliated credentialing board, and held under s. 448.84, to determine fitness to practice dietetics.

History: 1993 a. 443.

448.80 Temporary license. Upon application and payment of the fee specified in s. 440.05 (6), the affiliated credentialing board may grant a temporary dietitian license to an individual who satisfies the requirements under s. 448.78 (1) to (4) and has submitted an application to take the next available examination under s. 448.84. A temporary license granted under this section is valid for a period designated by the affiliated credentialing board, not to exceed 12 months, and may be renewed once by the affiliated credentialing board.

History: 1993 a. 443.

448.82 Reciprocal licensure. Upon application and payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall grant a dietitian license to an individual who holds a similar certificate or license in another state or territory of the United States if the affiliated credentialing board determines that the requirements for receiving the certificate or license in the other state or territory are substantially

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equivalent to the requirements under s. 448.78.

History: 1993 a. 443.

448.84 Examinations.

(1) The affiliated credentialing board shall conduct or arrange for examinations for dietitian certification at least semiannually and at times and places determined by the affiliated credentialing board, and shall provide public notice of each examination at least 90 days before the date of the examination.

(2) Examinations held under sub. (1) shall consist of written or oral tests, or both, requiring applicants to demonstrate minimum competency in subjects substantially related to the practice of dietetics.

History: 1993 a. 443.

448.86 Issuance of license; expiration and renewal.

(1) The department shall issue a license to each individual who is certified or licensed under this subchapter.

(2) The renewal dates for licenses granted under this subchapter, other than temporary licenses granted under s. 448.80, are specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a form provided by the department and shall include the renewal fee determined by the department under s. 440.03 (9) (a).

History: 1993 a. 443; 1997 a. 175; 2007 a. 20.

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448.87 Disciplinary proceedings and actions.

(1) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing board may make investigations and conduct hearings to determine whether a violation of this subchapter or any rule promulgated under this subchapter has occurred.

(2) Subject to the rules promulgated under s. 440.03 (1), the affiliated credentialing board may reprimand a licensed dietitian or deny, limit, suspend or revoke a license granted under this subchapter if it finds that the applicant or licensed dietitian has done any of the following:

(a) Made a material misstatement in an application for a license or for renewal of a license.

(b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an offense the circumstances of which substantially relate to the practice of dietetics.

(c) Advertised in a manner that is false, deceptive or misleading.

(d) Advertised, practiced or attempted to practice under another's name.

(e) Subject to ss. 111.321, 111.322 and 111.34, practiced dietetics while his or her ability to practice was impaired by alcohol or other drugs.

(f) Engaged in unprofessional or unethical conduct in violation of the code of ethics established in the rules promulgated under s. 448.74 (2).

(g) Engaged in conduct while practicing dietetics which evidences a lack of knowledge or ability to apply professional principles or skills.

(h) Violated this subchapter or any rule promulgated under this subchapter.

History: 1993 a. 443; 1999 a 180 s. 55.

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448.94 Penalties. Any person who violates this subchapter or any rule promulgated

under this subchapter may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.

History: 1993 a. 443.

Also add in language as requested by Department of Safety and Professional Services that would grandfather all existing certifications into licenses without the department having to issue new licenses until the current certification expires.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2385/2

TKK:...

inserts
RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2011 ASSEMBLY BILL 547

2/20/12
Today if possible

1 At the locations indicated, amend the bill as follows:

2 1. Page 10, line 1: before that line insert:

3 2. Page 10, line 1: delete "SECTION 1" and substitute "SECTION 1r".

4 3. Page 47, line 6: after that line insert:

5 4. Page 49, line 18: after that line insert:

6 5. Page 78, line 22: after that line insert:

7 6. Page 79, line 2: after that line insert:

8 SECTION 229e. 448.72 (1) (intro.), (d) ^{and} (f), (4) and (5) of the statutes are amended

9 to read:

10 448.72 (1) (intro.) Require a certificate license under this subchapter for any

11 of the following:

1 (d) A dietetic technician or assistant who is working under the supervision of
2 a ~~certified~~ [✓] licensed dietitian.

History: 1993 a. 443; 1997 a. 75.

3 (f) A person who markets or distributes food, food materials or dietary or food
4 supplements, who explains the use, benefits or preparation of food, food materials
5 or dietary or food supplements, who furnishes nutritional information on food, food
6 materials or dietary or food supplements, or who disseminates nutritional
7 information or literature, if the person does not use the title "dietitian" or "~~certified~~
8 [✓] licensed dietitian" and the person complies with applicable federal, state and local
9 laws.

History: 1993 a. 443; 1997 a. 75.

10 (4) Prohibit an individual who is registered as a dietitian with the commission
11 on dietetic registration of the ~~American Dietetic Association~~ [✓] Academy of Nutrition
12 and Dietetics from using the title "dietitian" or "registered dietitian".

History: 1993 a. 443; 1997 a. 75.

13 (5) Prohibit an individual who is registered as a dietetic technician with the
14 commission on dietetic registration of the ~~American Dietetic Association~~ [✓] Academy
15 of Nutrition and Dietetics from using the title "dietetic technician" or "dietetic
16 technician registered".

History: 1993 a. 443; 1997 a. 75.

17 **SECTION 229h.** 448.74 (2) of the statutes is amended to read:

18 448.74 (2) Establish a code of ethics to govern the professional conduct of
19 ~~certified~~ [✓] licensed dietitians.

History: 1993 a. 443.

20 **SECTION 229p.** 448.78 (4) (b) of the statutes is amended to read:

448.78 (4) (b) An individual who is registered as a dietitian with the commission on dietetic registration of the ~~American Dietetic Association~~ Academy of Nutrition and Dietetics.

History: 1993 a. 443.

SECTION 229u. 448.80 of the statutes is amended to read:

448.80 Temporary certificate license. Upon application and payment of the fee specified in s. 440.05 (6), the affiliated credentialing board may grant a temporary dietitian ~~certificate~~ license to an individual who satisfies the requirements under s. 448.78 (1) to (4) and has submitted an application to take the next available examination under s. 448.84. A temporary ~~certificate~~ license granted under this section is valid for a period designated by the affiliated credentialing board, not to exceed 9 12 months, and may be renewed once by the affiliated credentialing board.

History: 1993 a. 443.

7. Page 79, line 20: after that line insert:

8. Page 80, line 8: after that line insert:

9. Page 81, line 7: after that line insert:

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0253/2
MPG:kjf:rs

Insert to
LRB a 2385

2011 BILL

1 AN ACT *to repeal* 146.89 (1) (r) 2., 448.72 (1) (a) and (b), 448.72 (1) (d), 448.72 (1)
2 (f), 448.72 (2), 448.72 (4), 448.72 (6), 448.74 (1), 448.78 (3) (c), 448.78 (4) (a), (b)
3 and (c) and 448.80 (title); *to renumber and amend* 448.70 (1m), 448.72 (1) (c),
4 448.72 (1) (e), 448.72 (3), 448.72 (5), 448.76, 448.78 (4) (intro.), 448.80 and
5 448.82; *to consolidate, renumber and amend* 448.72 (intro.) and (1) (intro.)
6 and 448.74 (intro.) and (2); *to amend* 15.406 (2) (intro.), 15.406 (2) (a), 48.981
7 (2) (a) 24., 146.81 (1) (em), 146.89 (1) (r) 1., 146.997 (1) (d) 6., 180.1901 (1m) (br),
8 251.06 (3) (e) 2., 252.14 (1) (ar) 4m., 440.03 (13) (b) 23., 440.08 (2) (a) 27m.,
9 446.02 (6m), subchapter V (title) of chapter 448 [precedes 448.70], 448.70 (1),
10 448.70 (2), 448.70 (3), 448.78 (intro.), 448.78 (1), 448.78 (3) (a), 448.78 (3) (b),
11 448.78 (5), 448.84 (1), 448.84 (2), 448.86 (title) and (1), 448.86 (2), 448.87 (2)
12 (intro.) and (a), 448.87 (2) (b), 448.87 (2) (e), 448.87 (2) (f), 448.87 (2) (g), 450.10
13 (3) (a) 5m., 632.895 (1) (b) 5. b. and 655.45 (1m); and *to create* 448.70 (2m),

BILL

1 448.70 (4m), 448.70 (5m) to (7), 448.71, 448.72 (7), 448.72 (8), 448.72 (11),
2 448.72 (12), 448.72 (13), 448.82 (1), 448.86 (3) and 448.865 of the statutes;
3 **relating to:** licensure of dietitian nutritionists and requiring the exercise of
4 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the regulation of dietitians.

Licensure and use of titles

Under current law, a person may be certified as a dietitian by the Dietitians Affiliated Credentialing Board (board) in the Department of Safety and Professional Services (DSPS). With certain exceptions, current law prohibits a person who is not certified by the board from designating himself or herself as a dietitian, claiming to provide dietetic services, or using any title or initials that would represent that person as certified or licensed as a dietitian or in a nutrition-related field.

This bill directs the board to license, not certify, persons as “dietitian nutritionists.” With certain exceptions, the bill prohibits a person who is not licensed from engaging in the practice of dietetic nutrition care services. The bill also prohibits, with certain exceptions, a person who is not licensed by the board from using certain titles or initials.

“Dietitian” is defined under current law as a person who practices dietetics, which means, generally, using certain nutrition-related principles to achieve or maintain the health of, assess the nutritional needs of, and provide nutritional counseling to, a person or group.

This bill changes the title of the board to the Dietetic Nutrition Care Services Affiliated Credentialing Board. The bill changes the title of a person licensed by the board from “dietitian” to “dietitian nutritionist.” In the bill, a dietitian nutritionist is a person who practices dietetic nutrition care services. The bill defines “dietetic nutrition care services,” generally, as the integration and application of certain scientific principles to achieve and maintain optimal human health. In the bill, dietetic nutrition care services includes: 1) dietetic nutrition therapy for the management of disease, including the treatment or rehabilitation of an injury or rehabilitation from surgery; and 2) the nutrition care process, which consists of a set of steps designed to identify, analyze, and address nutrition-related problems and provide nutrition-related care.

Requirements for licensure by the board

Under current law, to be certified as a dietitian, a person must: 1) receive a bachelor's, master's, or doctoral degree in certain nutrition fields from a college or university that the board determines is accredited or receive a degree from a program in nutrition approved by the board; 2) complete at least 900 supervised hours of dietetics practice; and 3) pass the registration examination, or its equivalent, established by the American Dietetic Association (ADA). A person who has satisfied

BILL

the educational and practice requirements and who has applied to take the next available examination, may obtain a temporary dietitian certificate.

Under the bill, to be licensed as a dietitian nutritionist, a person must: 1) possess a bachelor's or higher degree granted from a regionally accredited college or university with a major in an approved nutrition-related field; 2) complete 900 practice hours under the supervision of a dietitian nutritionist or other professional recognized by the board; and 3) pass the registration examination for dietitians administered by the Commission on Dietetic Registration that is accredited by the National Commission for Certifying Agencies (registration commission). A person who satisfies the educational and practice requirements and who submits a verification from the registration commission verifying his or her eligibility to sit for the registration commission examination, may practice under the supervision of a licensed dietitian nutritionist for up to one year prior to passing the examination.

The bill requires an applicant for renewal of a license to provide DSPS with proof of registration with the registration commission or satisfactory completion of continuing education requirements established by the board.

Exemptions from licensure

Current law exempts a person who is licensed or certified and lawfully practicing in certain fields from having to obtain certification from the board, if the person practices within the scope of his or her license or certificate and does not claim to be a dietitian or licensed in a nutrition-related field. In addition, current law exempts the following from having to obtain certification from the board: 1) persons who are pursuing a degree or certificate from an educational program approved by the board; 2) a dietetic technician or assistant working under the supervision of a certified dietitian; 3) a dietitian serving in the U.S. armed forces; and 4) a person who markets or distributes food and other goods, who explains the use, benefits, or preparation of food and other goods, and who furnishes nutritional information about food and other goods, if that person does not claim to be a dietitian or certified dietitian and that person complies with applicable law.

Under the bill, the following persons do not need to obtain a license from the board: 1) a licensed or certified nurse, chiropractor, dentist, physician, physical therapist, podiatrist, athletic trainer, occupational therapist, optometrist, pharmacist, or acupuncturist lawfully practicing within the scope of that license or certificate; 2) a dietitian nutritionist serving in the U.S. armed forces; 3) a person who is registered by the registration commission as a dietetic technician and practices under the supervision of a licensed dietitian nutritionist; 4) a retailer who sells food and other products to consumers and who furnishes oral or written general nonmedical nutrition information about food and other goods; 5) a person who is not engaged in the practice of dietetic nutrition care services who provides general nonmedical nutrition information or other nutrition-related information or services, if the person makes certain disclosures to the person's client; 6) a person who provides weight control services under a program approved in writing by a licensed dietitian nutritionist, a physician, a dietitian nutritionist certified or licensed under the laws of another state that the affiliated credentialing board determines to be substantially equivalent to Wisconsin's dietitian nutritionist licensure

BILL

requirements, or a person registered as a dietitian with the registration commission; and 7) a person practicing under the disciplines, tenets, or traditions of a religious organization who provides information or services to adherents of the same religious organization and who makes certain disclosures to those adherents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.406 (2) (intro.) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

15.406 (2) ~~DIETITIANS~~ DIETETIC NUTRITION CARE SERVICES AFFILIATED CREDENTIALING BOARD. (intro.) There is created in the department of safety and professional services, attached to the medical examining board, a ~~dietitians~~ dietetic nutrition care services affiliated credentialing board consisting of the following members appointed for 4-year terms:

Insert 1-3 (8) SECTION 2. 15.406 (2) (a) of the statutes is amended to read:

(9) 15.406 (2) (a) Three ~~dietitians~~ ^{plain} who are certified dietitian nutritionists licensed under subch. V of ch. 448. "VO"

(11) SECTION 3. 48.981 (2) (a) 24 of the statutes is amended to read:

(12) 48.981 (2) (a) 24. A dietitian nutritionist.

Begin Insert 1-5 (13) SECTION 4. 146.81 (1) (em) of the statutes is amended to read:

(14) 146.81 (1) (em) A dietitian certified nutritionist licensed under subch. V of ch. 448.

(16) SECTION 5. 146.89 (1) (r) 1. of the statutes is amended to read:

(17) 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a dietitian nutritionist under subch. V of ch. 448, a pharmacist under ch. 450, a chiropractor

BILL

1 under ch. 446, a podiatrist under subch. IV of ch. 448, or a physical therapist under
2 subch. III of ch. 448.

3 SECTION 6. 146.89 (1) (r) 2. of the statutes is repealed.

4 SECTION 7. 146.997 (1) (d) 6. of the statutes is amended to read:

5 146.997 (1) (d) 6. A dietitian ~~certified~~ nutritionist licensed under

6 subch. V of ch. 448. ✓

7 SECTION 8. 180.1901 (1m) (br) of the statutes is amended to read:

8 180.1901 (1m) (br) Dietitians Dietetic nutrition care services affiliated
9 credentialing board under subch. V of ch. 448.

10 SECTION 9. 251.06 (3) (e) 2. of the statutes is amended to read:

11 251.06 (3) (e) 2. A public health nutritionist, who is a ~~certified~~ licensed dietitian

12 nutritionist, as defined in s. 448.70 (1m) (5), is credentialed as a registered dietitian
13 by the Commission on Dietetic Registration, and meets qualifications that the
14 department shall specify by rule.

15 SECTION 10. 252.14 (1) (ar) 4m. of the statutes is amended to read:

16 252.14 (1) (ar) 4m. A dietitian ~~certified~~ nutritionist licensed under subch. V of

17 ch. 448. ✓

18 SECTION 11. 440.03 (13) (b) 23. of the statutes is amended to read:

19 440.03 (13) (b) 23. Dietitian nutritionist.

20 SECTION 12. 440.08 (2) (a) 27m. of the statutes is amended to read:

21 440.08 (2) (a) 27m. Dietitian nutritionist: November 1 of each even-numbered

22 year.

23 SECTION 13. 446.02 (6m) of the statutes is amended to read:

24 446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,

25 or a recommendation to a patient regarding the health effects of vitamins, herbs, or

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BILL

1 nutritional supplements unless the chiropractor has been issued a certificate under
2 sub. (2) (c). This subsection does not apply to a chiropractor licensed under this
3 chapter who is ~~certified as a dietician~~ dietitian nutritionist licensed under subch. V
4 of ch. 448. V

5 SECTION 14. Subchapter V (title) of chapter 448 [precedes 448.70] of the
6 statutes is amended to read:

CHAPTER 448

SUBCHAPTER V

DIETITIANS DIETETIC NUTRITIONCARE SERVICES AFFILIATED

CREDENTIALING BOARD

12 SECTION 15. 448.70 (1) of the statutes is amended to read:

13 448.70 (1) "Affiliated credentialing board" means the ~~dietitians~~ dietetic
14 nutrition care services affiliated credentialing board.

15 SECTION 16. 448.70 (1m) of the statutes is renumbered 448.70 (5) and amended
16 to read:

17 448.70 (5) "Certified Licensed dietitian nutritionist" means an individual a

18 person who is certified licensed as a dietitian nutritionist under this subchapter.

19 SECTION 17. 448.70 (2) of the statutes is amended to read:

20 448.70 (2) "~~Dietetics~~ Dietetic nutrition care services" means the integration
21 and application of principles of ~~nutritional science, biochemistry, derived from the~~
22 sciences of food science, physiology, food systems, nutrition, management,
23 behavioral science communication, biology, physiology, behavior, and the social
24 science in order sciences to achieve ~~or~~ and maintain the optimal human health of an

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6
1 individual a person or group of individuals. ~~"Dietetics" includes assessing the~~
2 ~~nutritional needs of an individual or group of individuals and determining available~~
3 ~~resources and constraints in meeting those nutritional needs; establishing priorities,~~
4 ~~goals and objectives that meet those nutritional needs and are consistent with~~
5 ~~available resources and constraints; providing nutrition counseling; or developing,~~
6 ~~implementing and managing nutritional care systems, and includes dietetic~~
7 ~~nutrition therapy and the use of the nutrition care process.~~

8 SECTION 18. 448.70 (2m) of the statutes is created to read:

9 448.70 (2m) "Dietetic nutrition therapy" means the application of dietetic
10 nutrition care services and the nutrition care process to disease management, the
11 treatment or rehabilitation of an injury, or the rehabilitation from surgery. "Dietetic
12 nutrition therapy" includes the interpretation of dietary data and recommendation
13 of nutrient needs in connection with a medically prescribed diet, the monitoring of
14 food and prescription drug interactions, and the development and management of a
15 food service operation whose chief function is nutrient care and the provision of a
16 medically prescribed diet.

17 SECTION 19. 448.70 (3) of the statutes is amended to read:

18 448.70 (3) "Dietitian nutritionist" means ~~an individual a person~~ who practices
19 ~~dietetics~~ dietetic nutrition care services.

20 SECTION 20. 448.70 (4m) of the statutes is created to read:

21 448.70 (4m) "General nonmedical nutrition information" means information
22 about any of the following that is not related to the dietetic nutrition therapy of a
23 person or group:

24 (a) Principles of good nutrition and food preparation.

25 (b) Foods to be included in a normal daily diet.

BILL

SECTION 20

1 (c) Essential nutrients.

2 (d) Sources of essential nutrients, including food and supplements.

3 (e) Recommended amounts of essential nutrients.

4 (f) The actions of nutrients in the body.

5 (g) The effects of an excess or deficiency of a nutrient.

6 **SECTION 21.** 448.70 (5m) to (7) of the statutes are created to read:

7 448.70 (5m) "Medically prescribed diet" means a diet that is recommended for
8 a person whose health status is impaired or at risk due to disease, injury, or surgery
9 to monitor or regulate the person's food or nutrient levels, whether that diet is
10 delivered enterally, parenterally, or orally.

11 (6) "Nutrition care process" means an integrated and systematic
12 problem-solving method consisting of distinct but interrelated and connected steps
13 used to identify, analyze, and address a nutrition-related problem of a person or
14 group and provide nutrition-related care to that person or group. The steps of the
15 nutrition care process are the following:

16 (a) *Nutrition assessment.* The systematic process of obtaining, verifying, and
17 interpreting biochemical, anthropometric, physical, and dietary data to determine
18 the nature, cause, and extent of a nutrition-related problem.

19 (b) *Nutrition diagnosis.* The identification and labeling of a nutrition-related
20 problem that requires the treatment of a dietitian nutritionist.

21 (c) *Nutrition intervention.* Recommendations for treatment of a
22 nutrition-related problem of a person or group.

23 (d) *Nutrition monitoring and evaluation.* The identification and evaluation of
24 nutrition-related goals and outcomes relative to a dietitian nutritionist's nutrition
25 diagnosis and nutrition intervention plan to determine the progress made in

BILL

1 achieving desired outcomes of nutrition care and whether planned interventions
2 should be continued or revised.

3 (7) "Registration commission" means the Commission on Dietetic Registration
4 or its successor that is accredited by the National Commission for Certifying
5 Agencies or its successor.

6 SECTION 22. 448.71 of the statutes is created to read:

7 **448.71 License required.** Except as provided in s. 448.72, no person may
8 practice dietetic nutrition care services unless the person is a licensed dietitian
9 nutritionist.

10 SECTION 23. 448.72 (intro.) and (1) (intro.) of the statutes are consolidated,
11 renumbered 448.72 (intro.) and amended to read:

12 **448.72 Applicability.** (intro.) This No license under this subchapter does not
13 do any of the following: (1) (intro.) ~~Require a certificate under this subchapter is~~
14 required for any of the following:

15 SECTION 24. 448.72 (1) (a) and (b) of the statutes are repealed.

16 SECTION 25. 448.72 (1) (c) of the statutes is renumbered 448.72 (9) and
17 amended to read:

18 448.72 (9) ~~A person pursuing a supervised course of study, including~~
19 ~~internships, leading to a degree or certificate~~ student enrolled in a program in
20 ~~dietetics from an~~ that is accredited educational program or an educational program
21 ~~approved by the affiliated credentialing board~~ Commission on Accreditation for
22 Dietetics Education or its successor if the student's enrollment is for the purpose of
23 meeting eligibility requirements to take the examination for dietitian nutritionists
24 established by the registration commission, and the student practices dietetic

BILL

SECTION 25

6
1 nutrition care services as a part of that program under the supervision of a licensed
2 dietitian nutritionist.

3 SECTION 26. 448.72 (1) (d) of the statutes is repealed.

4 SECTION 27. 448.72 (1) (e) of the statutes is renumbered 448.72 (10) and
5 amended to read:

6 448.72 (10) A dietitian nutritionist who is serving in the U.S. armed forces, as
7 defined in s. 40.02 (57m), or in the commissioned corps of the federal public health
8 service or is employed by the U.S. veterans administration, and who ~~is engaged in~~
9 ~~the practice of dietetics~~ practices dietetic nutrition care services as part of that
10 service or employment.

11 SECTION 28. 448.72 (1) (f) of the statutes is repealed.

12 SECTION 29. 448.72 (2) of the statutes is repealed.

13 SECTION 30. 448.72 (3) of the statutes is renumbered 448.76 (2) and amended
14 to read:

15 448.76 (2) ~~Prohibit an individual~~ A person described in sub. (1) (e) ~~from using~~
16 s. 448.72 (10) may use the title "dietitian nutritionist" or any letters or designation
17 that represents or may tend to represent the ~~individual person~~ as a dietitian
18 nutritionist, if the title, letters, or designation is used only in the course of the
19 ~~individual's person's~~ service or employment.

20 SECTION 31. 448.72 (4) of the statutes is repealed.

21 SECTION 32. 448.72 (5) of the statutes is renumbered 448.76 (3) and amended
22 to read:

23 448.76 (3) ~~Prohibit an individual~~ A person who is registered as a dietetic
24 technician with the registration commission ~~on dietetic registration of the American~~

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6
1 ~~Dietetic Association from using may use the title “dietetic technician” or, “dietetic~~
2 ~~technician registered”. registered.” or the initials, “D.T.R.”~~

3 **SECTION 33.** 448.72 (6) of the statutes is repealed.

4 **SECTION 34.** 448.72 (7) of the statutes is created to read:

5 448.72 (7) A person who is lawfully practicing within the scope of a license or
6 certificate granted under subchs. II to IV, VI, or VII; subch. XII of ch. 440; or chs. 441,
7 446, 447, and 449 to 451.

8 **SECTION 35.** 448.72 (8) of the statutes is created to read:

9 448.72 (8) A retailer or other person who sells food, food materials, dietary
10 supplements, or other goods to consumers and who furnishes oral or written general
11 nonmedical nutrition information related to the sale, marketing, and distribution of
12 the food, food materials, dietary supplements, or other goods, including a person
13 whose remuneration consists solely of commissions, overrides, bonuses, or
14 differentials directly related to sales or other output derived from in-person sales to
15 or solicitation of orders from ultimate consumers, primarily in the home.

16 **SECTION 36.** 448.72 (11) of the statutes is created to read:

17 448.72 (11) A person who is registered by the registration commission as a
18 dietetic technician if that person provides dietetic nutrition care services under the
19 direct supervision of a licensed dietitian nutritionist.

20 **SECTION 37.** 448.72 (12) of the statutes is created to read:

21 448.72 (12) A person who provides weight control services to another person
22 or group through a weight control program, or who revises a weight control program,
23 if one of the following reviews the program and approves it in writing:

24 (a) A licensed dietitian nutritionist.

25 (b) A physician.

BILL

SECTION 37

1 (c) A person who is licensed or certified as a dietitian or dietitian nutritionist
2 under the laws of another state that the affiliated credentialing board determines to
3 be substantially equivalent to the licensure requirements under s. 448.78.

4 (d) A dietitian registered by the registration commission.

5 **SECTION 38.** 448.72 (13) of the statutes is created to read:

6 **448.72 (13)** A person practicing under the disciplines, tenets, or traditions of
7 a religious organization, as defined in s. 895.442 (1) (b), and providing information
8 or services to other persons who are adherents to or members of the same religious
9 organization if the person provides to those adherents or members a written
10 disclosure that he or she is not a licensed dietitian nutritionist and cannot provide
11 dietetic nutrition care services as defined under this subchapter.

12 **SECTION 39.** 448.74 (intro.) and (2) of the statutes are consolidated,
13 renumbered 448.74 and amended to read:

14 **448.74 Duties of affiliated credentialing board.** The affiliated
15 credentialing board shall promulgate rules that do all of the following: ~~(2)~~ Establish
16 ~~a code of ethics~~ establish by rule standards of practice to govern the professional
17 ~~conduct of certified dietitians.~~ a licensed dietitian nutritionist, including a code of
18 ethics, and may promulgate rules necessary for the administration and enforcement
19 of this subchapter. The rules promulgated by the board under this section shall
20 include the requirement that a licensed dietitian nutritionist may provide a
21 medically prescribed diet only in consultation with a physician, physician assistant,
22 or advanced practice nurse practicing within the scope of his or her license or
23 certificate.

24 **SECTION 40.** 448.74 (1) of the statutes is repealed.

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SECTION 41. 448.76 of the statutes is renumbered 448.76 (1) and amended to read:

③ 448.76 (1) Except as provided in §. 448.72 (1) (e) and subs. (2) to (6) and (3), a
 ④ person who is not a certified licensed dietitian nutritionist may not designate himself
 ⑤ or herself as a dietitian nutritionist, claim to provide dietetic nutrition care services,
 ⑥ or use or assume any title or initials that represent or may tend to represent the
 ⑦ person as certified, registered, or licensed as a dietitian or as certified, registered, or
 ⑧ licensed in a nutrition-related field nutritionist.

SECTION 42. 448.78 (intro.) of the statutes is amended to read:

448.78 Certification of dietitians Licensure as a dietitian nutritionist.

(intro.) The affiliated credentialing board shall grant a certificate license as a
 dietitian nutritionist to an individual a person who does all of the following:

SECTION 43. 448.78 (1) of the statutes is amended to read:

448.78 (1) Submits an application for the certificate license to the department
 on a form provided by the department.

SECTION 44. 448.78 (3) (a) of the statutes is amended to read:

448.78 (3) (a) Received Possesses a bachelor's, master's or doctoral higher
 degree in human nutrition, nutrition education, food and nutrition, dietetics or food
 systems management from a program at granted by a regionally accredited college
 or university that is regionally accredited, as determined by the affiliated
 credentialing board, and that is located in a state or territory of the United States
 and recognized by the Council for Higher Education Accreditation and the federal
 department of education, with a major in human nutrition, nutrition education,
 public health nutrition, food and nutrition, dietetics, food systems management, or
 a substantially equivalent major course of study approved by the board.

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SECTION 45. 448.78 (3) (b) of the statutes is amended to read:

448.78 (3) (b) ~~Received Possesses~~ a bachelor's, master's or doctoral degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a program at ~~granted by~~ a college or university that is not located in a state or territory of the United States if the affiliated credentialing board determines that the program degree is substantially equivalent to a program satisfaction of the requirements under par. (a).

SECTION 46. 448.78 (3) (c) of the statutes is repealed.

SECTION 47. 448.78 (4) (intro.) of the statutes is renumbered 448.78 (4) and amended to read:

448.78 (4) Submits evidence satisfactory to the affiliated credentialing board that he or she has completed a supervised practice program with at least 900 hours of dietetics practice in any state or territory of the United States under the supervision of any of the following: practicing dietetic nutrition care services under the supervision of a licensed dietitian nutritionist, a dietitian nutritionist registered by the registration commission, or a person who possesses a doctoral degree in human nutrition, nutrition education, public health nutrition, food and nutrition, dietetics, food systems management, or a substantially equivalent nutrition-related field approved by the board, granted by a regionally accredited college or university that is located in the United States or, if approved by the board, by a college or university located outside the United States.

SECTION 48. 448.78 (4) (a), (b) and (c) of the statutes are repealed.

SECTION 49. 448.78 (5) of the statutes is amended to read:

448.78 (5) Passes the registration examination for dietitians established by the

registration commission on dietetic registration of the American dietetic association.

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plain

that is accredited by the National Commission for
Certifying Agencies

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① or passes an equivalent examination approved by the affiliated credentialing board,
② and held under s. 448.84, to determine fitness to practice dietetics.

3 SECTION 50. 448.80 (title) of the statutes is repealed.

4 SECTION 51. 448.80 of the statutes is renumbered 448.72 (14) and amended to
5 read:

6 448.72 (14) Upon application and payment of the fee specified in s. 440.05 (6),
7 the affiliated credentialing board may grant a temporary dietitian certificate to an
8 individual A person who satisfies the requirements under s. 448.78 (1) to (4) and has
9 submitted an application to take the next available examination under s. 448.84 but
10 who has not yet satisfied the examination requirements under s. 448.78 (5). A
11 temporary certificate granted person may practice under this section is valid for a
12 period designated by the affiliated credentialing board, not up to exceed 9 months,
13 and may be renewed once one year if he or she is supervised by the affiliated
14 credentialing board a licensed dietitian nutritionist.

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15 SECTION 52. 448.82 of the statutes is renumbered 448.82 (intro.) and amended
16 to read:

17 **448.82 Reciprocal certificate license.** (intro.) Upon application and
18 payment of the fee specified in s. 440.05 (2), the affiliated credentialing board shall

19 grant a dietitian certificate license to an individual practice dietetic nutrition care
20 services to all of the following:

21 (2) A person who holds a similar certificate or license issued by another state
22 or territory of the United States if the affiliated credentialing board determines that
23 the requirements for receiving the certificate or license in the other state or territory
24 are substantially equivalent to the requirements under s. 448.78.

25 SECTION 53. 448.82 (1) of the statutes is created to read:

BILL

SECTION 53

1 448.82 (1) A person who is registered by the registration commission.

2 SECTION 54. 448.84 (1) of the statutes is amended to read:

3 448.84 (1) The affiliated credentialing board shall ~~conduct~~ administer or
4 arrange contract with the registration commission for the administration of
5 examinations for dietitian certification nutritionist licensure at least semiannually
6 ~~and at times and places determined by the affiliated credentialing board, and shall~~
7 ~~provide public notice of each examination at least 90 days before the date of the~~
8 examination locations within this state.

9 SECTION 55. 448.84 (2) of the statutes is amended to read:

10 448.84 (2) Examinations held under sub. (1) shall consist of written, including
11 computerized, or oral tests, or both, requiring applicants to demonstrate minimum
12 competency in subjects substantially related to the practice of dietetics dietetic
13 nutrition care services.

14 SECTION 56. 448.86 (title) and (1) of the statutes are amended to read:

15 448.86 (title) Issuance of certificate license; expiration and renewal.

16 (1) The department shall issue a certificate license to each individual person who
17 is certified licensed under this subchapter. plain

18 SECTION 57. 448.86 (2) of the statutes is amended to read:

19 448.86 (2) The renewal dates for certificates licenses granted under this
20 subchapter, other than temporary certificates granted under s. 448.80, are specified plain
21 under s. 440.08 (2) (a). Renewal applications shall be submitted to the department
22 on a form provided by the department and shall include the renewal fee determined
23 by the department under s. 440.03 (9) (a).

24 SECTION 58. 448.86 (3) of the statutes ~~is~~ created to read:

BILL

6 1 448.86 (3) An applicant for renewal of a license granted under this subchapter
2 shall submit to the department with the renewal application proof of valid
3 registration with the registration commission or a written verification of the
4 registration commission that the applicant has completed at least the minimum
5 number of continuing professional education credits required by the board.

6 **SECTION 59.** 448.865 of the statutes is created to read:

7 **448.865 Disclosure required to provide certain services.** A person who
8 is neither licensed under this subchapter nor exempt from licensure under s. 448.72
9 and who provides general nonmedical nutrition information to another person or
10 group for compensation, direct or indirect, or in the expectation of compensation,
11 shall do all of the following:

12 (1) Provide to the other person or group a written disclosure that contains the
13 following information:

14 (a) The name, professional title, business address, and business telephone
15 number of the person.

16 (b) A statement that the person is not a licensed dietitian nutritionist and
17 cannot provide dietetic nutrition care services as defined under this subchapter.

18 (c) A statement that the person may not provide a medical diagnosis or
19 recommend that the other person or group continue or discontinue medically
20 prescribed treatments.

21 (2) Post a copy of the written disclosure under par. (a) in a conspicuous place
22 in the person's office or place of practice or business.

23 **SECTION 60.** 448.87 (2) (intro.) and (a) of the statutes are amended to read:

24 448.87 (2) (intro.) ^{229 z} Subject to the rules promulgated under s. 440.03 (1), the
25 affiliated credentialing board may reprimand a certified licensed dietitian

BILL

- ① nutritionist or deny, limit, suspend, or revoke a certificate license granted under this
- ② subchapter if it finds that the applicant or certified licensed dietitian nutritionist has
- 3 done any of the following:

4 (a) Made a material misstatement in an application for a certificate license or

5 for renewal of a certificate license. ✓

6 SECTION 61. 448.87 (2) (b) of the statutes is amended to read:

7 448.87 (2) (b) Subject to ss. 111.321, 111.322 and 111.335, been convicted of an

8 offense the circumstances of which substantially relate to the practice of dietetics

9 dietetic nutrition care services.

10 SECTION 62. 448.87 (2) (e) of the statutes is amended to read:

11 448.87 (2) (e) Subject to ss. 111.321, 111.322 and 111.34, practiced dietetics

12 dietetic nutrition care services while his or her ability to practice was impaired by

13 alcohol or other drugs.

14 SECTION 63. 448.87 (2) (f) of the statutes is amended to read:

15 448.87 (2) (f) Engaged in unprofessional or unethical conduct in violation of the

16 code of ethics established in the rules promulgated under s. 448.74 (2).

17 SECTION 64. 448.87 (2) (g) of the statutes is amended to read:

18 448.87 (2) (g) Engaged in conduct while practicing dietetics which evidences

19 dietetic nutrition care services that demonstrates a lack of knowledge or ability of

20 inability to apply, or the negligent application of, professional principles or skills.

Insert ②1 ✓ " SECTION 65. 450.10 (3) (a) 5m. of the statutes is amended to read:

3-14 ②2 450.10 (3) (a) 5m. A dietitian certified nutritionist licensed under subch. V of

②3 ch. 448. ✓

②4 ✓ " SECTION 66. 632.895 (1) (b) 5. b. of the statutes is amended to read:

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① 632.895 (1) (b) 5. b. A dietitian certified nutritionist licensed under subch. V
2 of ch. 448, if the nutrition counseling is provided on or after July 1, 1995.

③ SECTION ~~67~~ 655.45 (1m) of the statutes is amended to read:

4 655.45 (1m) For the quarter beginning on July 1, 1995, and for each quarter
5 thereafter, the director of state courts shall file reports complying with sub. (2) with
6 the ^{plain} ~~dietitians~~ dietetic nutrition care services affiliated credentialing board regarding
7 health care providers certified licensed by the ^{plain} ~~dietitians~~ dietetic nutrition care
8 services affiliated credentialing board. √

9 ~~SECTION 68. Nonstatutory provisions~~

10 ~~③ LICENSURE OF DIETITIANS~~

Insert 3-16 (1) TRANSITIONAL PROVISIONS. Notwithstanding section 448.78 of the statutes,
11 as affected by this act, on the effective date of this subsection, a person who,
12 immediately prior to the effective date of this subsection, held a valid certificate as
13 a dietitian granted by the dietitians affiliated credentialing board, is considered to
14 be a licensed dietitian nutritionist under section 448.70 (5), as affected by this act,
15 and, before July 1, 2013, the ^{dietitians} ~~dietetic nutrition care services~~ affiliated credentialing
16 board shall issue a license to the person under sections 448.78 and 448.86 of the
17 statutes, as affected by this act. √

18 SECTION 69. Effective dates. This act takes effect on the first day of the 4th
19 month beginning after publication, except as follows:

20 (1) The treatment of section ~~448.86~~ (3) of the statutes takes effect on January
21 1, 2014.

22 (END)

Handrick, Diane

To: Kuczenski, Tracy
Subject: RUSH: LRB 11a2385 Topic: licensure of dietitians CORRECTIONS
Importance: High
Attachments: LRB a2385_1

Hi, Tracy.

We are requesting corrections to LRB a 2385/1. (Dietitians) We need this completed by 10:30.

Below are corrections.

Pg 3:

Lines 16 and 17: Commission on Dietetic Registration needs to be capitalized (throughout) because it's an entity.

Line 20: capitalize as above

Pg 4:

Line 4: or licensed dietitian (not "dietition"...typo)

Lines 16 and 20: capitalize as above

FOR NOW: just leave the July 2013 date as is on page 7

Thank you!!

Diane Handrick

Office of Representative Karl Van Roy

608-266-0616

1-888-534-0090 Toll free in Wisconsin only

Room 204 North, State Capitol

Madison WI 53708

Have you looked for unclaimed property in your name? www.wismissingmoney.com

From: Hein, Tanya
Sent: Monday, February 20, 2012 1:20 PM
To: Berndt, Michael - DSPS; Schoenfeldt, Eileen - GOV; 'Jeff Schoenfeldt'
Cc: Lundgren, Doug; Rep.Rivard
Subject: FW: LRB 11a2385 Topic: licensure of dietitians
Importance: High

Here is the amendment regarding dietitians. Please let me know if anyone has any questions or concerns. Thanks!

Tanya R. Hein

Research Assistant

Office of State Rep. Karl Van Roy

From: LRB.Legal
Sent: Monday, February 20, 2012 12:55 PM
To: Rep.Van Roy
Subject: LRB 11a2385 Topic: licensure of dietitians

The attached proposal has been jacketed for introduction.

A copy has also been sent to: tracy.kuczenski@legis.wisconsin.gov



11a23851.pdf (46
KB)

Kuczenski, Tracy

From: Handrick, Diane
Sent: Tuesday, February 21, 2012 9:13 AM
To: Kuczenski, Tracy
Subject: RUSH: LRB 11a2385 Topic: licensure of dietitians CORRECTIONS

Importance: High

Attachments: LRB a2385_1

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Stripes are on their way back to you via page right now.

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Tanya R. Hein

Research Assistant
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90th Assembly District

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2385/1 2

TKK:kjf:rs

Ran 12

ASSEMBLY AMENDMENT ,
TO 2011 ASSEMBLY BILL 547

2/21/12

Wanted
by
10:30 (p. 3, 4)

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 10, line 1: before that line insert:
- 3 “SECTION 1g. 15.406 (2) (a) of the statutes is amended to read:
- 4 15.406 (2) (a) Three dietitians ~~who are certified~~ licensed under subch. V of ch.
- 5 448.”.
- 6 **2.** Page 10, line 1: delete “SECTION 1” and substitute “SECTION 1r”.
- 7 **3.** Page 47, line 6: after that line insert:
- 8 “SECTION 130d. 146.81 (1) (em) of the statutes is amended to read:
- 9 146.81 (1) (em) A dietitian ~~certified~~ licensed under subch. V of ch. 448.
- 10 **SECTION 130h.** 146.89 (1) (r) 1. of the statutes is amended to read:
- 11 146.89 (1) (r) 1. Licensed as a physician under ch. 448, a dentist or dental
- 12 hygienist under ch. 447, a registered nurse, practical nurse, or nurse-midwife under
- 13 ch. 441, an optometrist under ch. 449, a physician assistant under ch. 448, a dietitian

1 under subch. V of ch. 448, a pharmacist under ch. 450, a chiropractor under ch. 446,
2 a podiatrist under subch. IV of ch. 448, or a physical therapist under subch. III of ch.
3 448.

4 **SECTION 130p.** 146.89 (1) (r) 2. of the statutes is repealed.

5 **SECTION 130t.** 146.997 (1) (d) 6. of the statutes is amended to read:

6 146.997 (1) (d) 6. A dietician ~~certified~~ licensed under subch. V of ch. 448.”.

7 **4.** Page 49, line 18: after that line insert:

8 “**SECTION 141g.** 251.06 (3) (e) 2. of the statutes is amended to read:

9 251.06 (3) (e) 2. A public health nutritionist, who is a ~~certified~~ licensed
10 dietitian, as defined in s. 448.70 ~~(1m)~~ (5), is credentialed as a registered dietitian by
11 the Commission on Dietetic Registration, and meets qualifications that the
12 department shall specify by rule.

13 **SECTION 141r.** 252.14 (1) (ar) 4m. of the statutes is amended to read:

14 252.14 (1) (ar) 4m. A dietitian ~~certified~~ licensed under subch. V of ch. 448.”.

15 **5.** Page 78, line 22: after that line insert:

16 “**SECTION 228m.** 446.02 (6m) of the statutes is amended to read:

17 446.02 (6m) No chiropractor may provide counsel, direction, guidance, advice,
18 or a recommendation to a patient regarding the health effects of vitamins, herbs, or
19 nutritional supplements unless the chiropractor has been issued a certificate under
20 sub. (2) (c). This subsection does not apply to a chiropractor licensed under this
21 chapter who is ~~certified as a dietician~~ dietitian licensed under subch. V of ch. 448.”.

22 **6.** Page 79, line 2: after that line insert:

23 “**SECTION 229b.** 448.70 (1m) of the statutes is renumbered 448.70 (5) and
24 amended to read:

1 448.70 (5) "Certified Licensed dietitian" means an individual who is certified
2 licensed as a dietitian under this subchapter.

3 **SECTION 229e.** 448.72 (1) (intro.), (d) and (f), (4) and (5) of the statutes are
4 amended to read:

5 448.72 (1) (intro.) Require a ~~certificate~~ license under this subchapter for any
6 of the following:

7 (d) A dietetic technician or assistant who is working under the supervision of
8 a ~~certified~~ licensed dietitian.

9 (f) A person who markets or distributes food, food materials or dietary or food
10 supplements, who explains the use, benefits or preparation of food, food materials
11 or dietary or food supplements, who furnishes nutritional information on food, food
12 materials or dietary or food supplements, or who disseminates nutritional
13 information or literature, if the person does not use the title "dietitian" or "~~certified~~
14 licensed dietitian" and the person complies with applicable federal, state and local
15 laws.

16 (4) Prohibit an individual who is registered as a dietitian with the ~~commission~~
17 ~~on dietetic registration~~ ^{↓ Commission on Dietetic Registration} of the American Dietetic Association Academy of Nutrition
18 and Dietetics from using the title "dietitian" or "registered dietitian".

19 (5) Prohibit an individual who is registered as a dietetic technician with the
20 ~~commission on dietetic registration~~ ^{↓ Commission on Dietetic Registration} of the American Dietetic Association Academy
21 of Nutrition and Dietetics from using the title "dietetic technician" or "dietetic
22 technician registered".

23 **SECTION 229h.** 448.74 (2) of the statutes is amended to read:

24 448.74 (2) Establish a code of ethics to govern the professional conduct of
25 certified licensed dietitians.

1 **SECTION 229j.** 448.76 of the statutes is amended to read:

2 **448.76 Use of titles.** Except as provided in s. 448.72 (1) (e) and (2) to (6), a
3 person who is not a ~~certified~~ licensed dietitian may not designate himself or herself
4 as a dietitian or licensed dietitian, claim to provide dietetic services, or use any title
5 or initials that represent or may tend to represent the person as certified or licensed
6 as a dietitian or as certified or licensed in a nutrition-related field.

7 **SECTION 229L.** 448.78 (intro.) of the statutes is amended to read:

8 **448.78 Certification of dietitians Licensure as a dietitian.** (intro.) The
9 affiliated credentialing board shall grant a ~~certificate~~ license as a dietitian to an
10 individual who does all of the following:

11 **SECTION 229n.** 448.78 (1) of the statutes is amended to read:

12 448.78 (1) Submits an application for the ~~certificate~~ license to the department
13 on a form provided by the department.

14 **SECTION 229p.** 448.78 (4) (b) of the statutes is amended to read:

15 448.78 (4) (b) An individual who is registered as a dietitian with the
16 ~~commission on dietetic registration~~ Commission on Dietetic Registration of the American Dietetic Association Academy
17 of Nutrition and Dietetics.

18 **SECTION 229r.** 448.78 (5) of the statutes is amended to read:

19 448.78 (5) Passes the registration examination for dietitians established by the
20 ~~commission on dietetic registration~~ Commission on Dietetic Registration of the American dietetic association that is
21 accredited by the National Commission for Certifying Agencies, or passes an
22 equivalent examination approved by the affiliated credentialing board, and held
23 under s. 448.84, to determine fitness to practice dietetics.

24 **SECTION 229u.** 448.80 of the statutes is amended to read:

1 **448.80 Temporary ~~certificate~~ license.** Upon application and payment of
2 the fee specified in s. 440.05 (6), the affiliated credentialing board may grant a
3 temporary dietitian ~~certificate~~ license to an individual who satisfies the
4 requirements under s. 448.78 (1) to (4) and has submitted an application to take the
5 next available examination under s. 448.84. A temporary ~~certificate~~ license granted
6 under this section is valid for a period designated by the affiliated credentialing
7 board, not to exceed 9 12 months, and may be renewed once by the affiliated
8 credentialing board.

9 **SECTION 229w.** 448.82 of the statutes is amended to read:

10 **448.82 Reciprocal ~~certificate~~ license.** Upon application and payment of the
11 fee specified in s. 440.05 (2), the affiliated credentialing board shall grant a dietitian
12 ~~certificate~~ license to an individual who holds a similar certificate or license in
13 another state or territory of the United States if the affiliated credentialing board
14 determines that the requirements for receiving the certificate or license in the other
15 state or territory are substantially equivalent to the requirements under s. 448.78.

16 **SECTION 229x.** 448.86 (title) and (1) of the statutes are amended to read:

17 **448.86 (title) Issuance of ~~certificate~~ license; expiration and renewal.**

18 (1) The department shall issue a ~~certificate~~ license to each individual who is ~~certified~~
19 licensed under this subchapter.

20 **SECTION 229y.** 448.86 (2) of the statutes is amended to read:

21 **448.86 (2)** The renewal dates for ~~certificates~~ licenses granted under this
22 subchapter, other than temporary ~~certificates~~ licenses granted under s. 448.80, are
23 specified under s. 440.08 (2) (a). Renewal applications shall be submitted to the
24 department on a form provided by the department and shall include the renewal fee
25 determined by the department under s. 440.03 (9) (a).

1 **SECTION 229z.** 448.87 (2) (intro.) and (a) of the statutes are amended to read:

2 448.87 (2) (intro.) Subject to the rules promulgated under s. 440.03 (1), the
3 affiliated credentialing board may reprimand a ~~certified~~ licensed dietitian or deny,
4 limit, suspend, or revoke a ~~certificate~~ license granted under this subchapter if it finds
5 that the applicant or ~~certified~~ licensed dietitian has done any of the following:

6 (a) Made a material misstatement in an application for a ~~certificate~~ license or
7 for renewal of a ~~certificate~~ license.”.

8 **7.** Page 79, line 20: after that line insert:

9 “**SECTION 232m.** 450.10 (3) (a) 5m. of the statutes is amended to read:

10 450.10 (3) (a) 5m. A dietitian ~~certified~~ licensed under subch. V of ch. 448.”.

11 **8.** Page 80, line 8: after that line insert:

12 “**SECTION 236g.** 632.895 (1) (b) 5. b. of the statutes is amended to read:

13 632.895 (1) (b) 5. b. A dietitian ~~certified~~ licensed under subch. V of ch. 448, if
14 the nutrition counseling is provided on or after July 1, 1995.

15 **SECTION 236r.** 655.45 (1m) of the statutes is amended to read:

16 655.45 (1m) For the quarter beginning on July 1, 1995, and for each quarter
17 thereafter, the director of state courts shall file reports complying with sub. (2) with
18 the dietitians affiliated credentialing board regarding health care providers ~~certified~~
19 licensed by the dietitians affiliated credentialing board.”.

20 **9.** Page 81, line 7: after that line insert:

21 “(1m) **LICENSURE OF DIETITIANS; TRANSITIONAL PROVISIONS.** Notwithstanding
22 section 448.78 of the statutes, as affected by this act, on the effective date of this
23 subsection, a person who, immediately prior to the effective date of this subsection,
24 held a valid certificate as a dietitian granted by the dietitians affiliated credentialing

1 board, is considered to be a licensed dietitian under section 448.70 (5), as affected by
2 this act, and, before July 1, 2013, the dietitians affiliated credentialing board shall
3 issue a license to the person under sections 448.78 and 448.86 of the statutes, as
4 affected by this act.”.

5 (END)